

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

DEIDRA M. ROPER a/k/a “Spinderella”,	§	
and SPINDERELLA	§	
ENTERTAINMENT, LLC,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	Civil Action No. 3:19-cv-01651-S
	§	
CHERYL JAMES-WRAY a/k/a	§	
CHERYL JAMES, SANDRA DENTON,	§	
JAMES MAYNES, AND S & C	§	
PRODUCTIONS, INC.,	§	
	§	
Defendants.	§	

**DECLARATION OF JAMES MAYNES IN SUPPORT OF  
DEFENDANTS’ OPPOSITION TO PLAINTIFFS’ REPLY BRIEF IN SUPPORT  
OF REQUEST FOR A TEMPORARY RESTRAINING ORDER**

I, James Maynes, do hereby state and declare as follows:

1. I am a specially-appearing defendant in the above-captioned matter, along with Cheryl James-Wray a/k/a Cheryl James (“Salt”), Sandra Denton (“Pepa”), and S & C Productions (“S & C”) (together, “Salt-N-Pepa” or “Defendants”). I am the longtime manager of the musical group “Salt N Pepa,” which is comprised of Salt and Pepa. I am also responsible for overseeing business operations for S & C. As a result, I have personal knowledge of the facts contained in this declaration and, if called and sworn as a witness, I could and would competently testify thereto. The facts stated in this declaration are within my personal knowledge and are true and correct. I make this declaration in support of Defendants’ Opposition to Plaintiffs’ Reply Brief In Support of Plaintiff’s Request For A Temporary Restraining Order.

2. I have reviewed Plaintiff’s Reply in support of Plaintiff’s Request for a Temporary Restraining Order [Doc. 25] (“Reply Brief”), and the unsupported images embedded within it.

3. Contrary to Plaintiff’s assertion, the image on page 4 of the Reply Brief with regard to the Limited Edition Idol Maker Jacket (“Idolmaker Jacket”) is not from the official Salt N Pepa website, but rather from a hotlink to a website maintained by Merch Direct. S&C negotiates and handles all sales of merchandise for Salt and Pepa. As Manager, I am in charge of the relationship and agreements with Merch Direct on behalf of S&C.

4. All communications on behalf of Defendants with Merch Direct go through me. In or around January or February of 2019, after Spinderella’s termination, I informed Brooke Pulver, my contact at Merch Direct, in charge of the account for S&C, that Spinderella was no longer affiliated with Salt N Pepa, and that all images depicting Spinderella in promotional materials should be removed from Merch Direct’s website. While S&C had creative control

over the images of the actual merchandise sold through Merch Direct, neither S&C, nor Salt, Pepa nor I had control over the manner in which Merch Direct chose to market or advertise Salt N Pepa merchandise for sale, which remained within the purview of Merch Direct.

5. Moreover, neither S&C, Salt, Pepa, nor I own or control the image reproduced on page 4 of the Reply Brief with regard to the Idolmaker Jacket—which in fact, upon information and belief, is not owned by Spinderella either. Rather, it is my understanding that Merch Direct had to negotiate and obtain a licensing right to use the image from the photographer, through Getty Images. The image complained of by Plaintiffs is a licensed image through Getty Images and was licensed by Merch Direct, not by Defendants—and, apparently, also not by Plaintiffs. In fact, the same photoshoot from which the complained of image came from included a similar photo without Spinderella, including only Salt and Pepa in a similar pose. Every time S&C wishes to use that photo, it must license the use of the image through Getty Images.

6. Upon receipt and review of the Reply Brief yesterday evening, I searched and eventually found the image reproduced in the Reply Brief in relation to the Idolmaker Jacket on the Merch Direct website. I called S&C's account manager with Merch Direct, Brooke Pulver, and was told the image should have been taken down months ago when I originally called, was not removed due to an oversight on the part of Merch Direct, and that it would be removed immediately.

7. The Reply Brief is misleading at paragraph 5 and on page 4 wherein Plaintiffs make their claims against Defendants in relation to the Idol Maker Jacket. First, as noted above, the image of the item of Salt N Pepa merchandise depicted is not on Salt N Pepa's website. The domain name for Salt N Pepa's official website is [www.saltnepea.com](http://www.saltnepea.com). The Salt N Pepa merchandise depicted is rather being sold by Merch Direct, a third-party, on Merch Direct's

website at the domain name, saltnepa.merchdirect.com.

8. Additionally, the landing page for the Idol Maker jacket does not show any image of Plaintiff. A true and correct screenshot of the landing page taken on August 1, 2019, is attached hereto and incorporated herein as Exhibit 1.

9. As one scrolls down, a series of thumbnails become visible. A true and correct screenshot of the scrolled down portion of the landing page, taken on August 1, 2019, is attached hereto and incorporated herein as Exhibit 2.

10. A user must click on “Next” until a thumbnail of Salt, Pepa, and Spinderella becomes visible and it is the last image in the series of thumbnails one must scroll through to find. A true and correct screenshot showing the thumbnail of Salt, Pepa, and Spinderella, taken on August 1, 2019, is attached hereto and incorporated herein as Exhibit 3.

11. Not until the picture of Salt, Pepa, and Spinderella is highlighted does the image of the three women become blown-up.

12. A true and correct screenshot of the blown up version of the image of the three women, taken on August 1, 2019, is attached hereto and incorporated herein as Exhibit 4.

13. As mentioned above, upon learning of this image’s existence, I spoke with Brooke Pulver at Merch Direct who immediately removed the image from Merch Direct’s website.

14. On or about July 2, 2019, I became aware that Universal Attractions—which is responsible for the “I Love The 90s Tour” (including the website) and the O2 shows in London—was apparently still using Spinderella’s name, likeness, and mark on the “I Love The 90s Tour” website.

15. That same day, I immediately contacted one of the owners of Universal

Attractions, Jeff Epstein, to take down the images and stop using the term Spinderella by text message. A true and correct copy of my text message to Jeff Epstein, dated July 2, 2019, telling them to stop using Plaintiffs' name, likeness and mark is attached hereto and incorporated herein as Exhibit 5.

16. I was later informed by Jeff Epstein with Universal Attractions, on July 24, 2019, that, in fact, Live Nation/Rhydian was not advertising Spinderella, but, rather, the image was located on another, third-party's website outside of the control of the promoters. *See* Exhibit 5.

17. The image used on the I Love the 90s Tour website was not approved by Defendants at any point in time. Rather, it appears that Universal Attractions licensed the photo independently from an unrelated third-party.

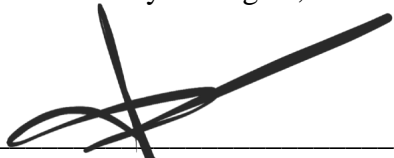
18. The woman in the Instagram photos embedded in the Reply Brief on pages 10 and 11 is named DJ Cocoa Chanelle. She was Roper's replacement after she was asked to no longer perform with Salt N Pepa. She is an award winning, world renowned, celebrated, and talented hip hop DJ, rapper and artist and is a well known radio personality for her work on New York City radio Hot 97 and Kiss FM. Indeed, she does not look anything like Spinderella, except in the most superficial way, in that both she and Spinderella happen to be middle-aged, African American women. She was not selected because she looked like Spinderella. She was selected because she was a prominent hip hop artist from the 90s and an attractive woman.

19. The MixTapeTour sold over 600,000 tickets. My contact at LiveNation, the concert promoter for the tour, informed me that not a single ticket has been returned—let alone any returned because a concert goer felt deceived into thinking DJ Cocoa Chanelle was Spinderella.

20. On both the MixTapeTour and the I Love The 90s Tour, the promoters of each

tour hire Salt and Pepa to perform, through S&C, and none of the Defendants have any involvement in how the promoters choose to advertise or promote their tours themselves, other than in initially approving photos, with the included approval of Spinderella, before her services were terminated.

I swear under penalty of perjury under the laws of the United States that the contents of this declaration are true and correct. Executed this 2nd day of August, 2019 in New York City, New York.

  
\_\_\_\_\_  
James Maynes

# **EXHIBIT 1**



#### LIMITED EDITION IDOL MAKER JACKET

\$175.00

Please select an option

S/M

ADD TO CART

#### DETAILS

Limited Edition Idol Maker Jacket

Ineligible for black friday discounts

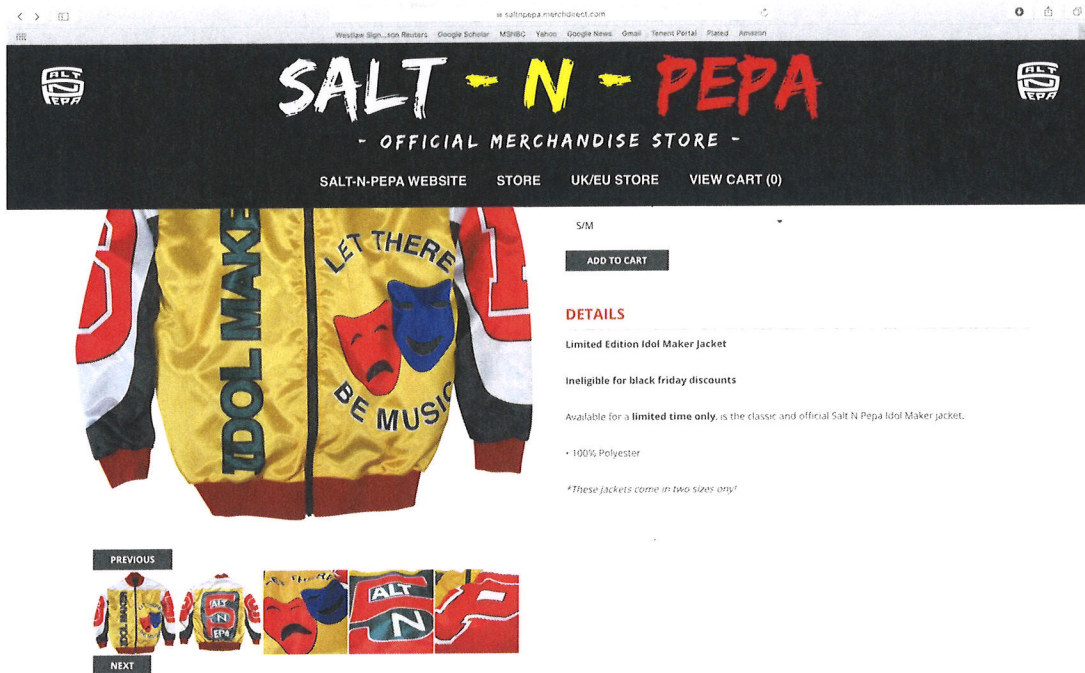
Available for a **limited time only**, is the classic and official Salt N Pepa Idol Maker jacket.

• 100% Polyester

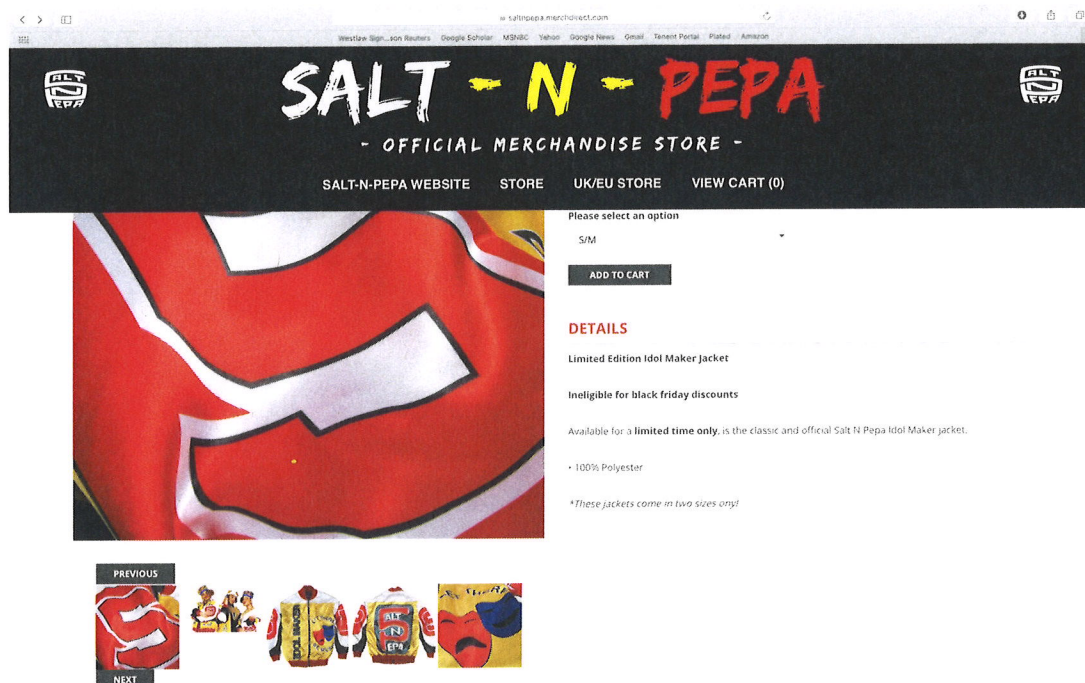
*\*These jackets come in two sizes only\**



# **EXHIBIT 2**



# **EXHIBIT 3**



# **EXHIBIT 4**

ie.saltpepa.merchstore.com

Western Digital | AOL | Reuters | Google Scholar | MSNBC | Yahoo | Google News | Gmail | Tenant Portal | Pinterest | Amazon

**SALT - N - PEPA**  
- OFFICIAL MERCHANDISE STORE -

SALT-N-PEPA WEBSITE STORE UK/EU STORE VIEW CART (0)



**LIMITED EDITION IDOL MAKER JACKET**  
\$175.00

Please select an option

S/M

ADD TO CART

**DETAILS**

Limited Edition Idol Maker Jacket

Ineligible for black friday discounts

Available for a **limited time only**, is the classic and official Salt N Pea Idol Maker jacket

- 100% Polyester

\*These jackets come in two sizes only!

PREVIOUS



NEXT

# **EXHIBIT 5**

1:16

LTE



Jeff >

Pls call me ASAP!!!!

Sat, Jun 29, 9:13 PM

At a wedding.

Tue, Jul 2, 12:45 AM

Checking in on U.K. offer

And need other paperwork  
back

Ok. Coming tomorrow.  
Also they are heavily  
promoting spin on that  
Thackerville date!!! This is  
a HUGe PROBLEM

Standby. Wasn't aware.  
She's not part of the  
contract. Will have fixed

Tue, Jul 9, 4:44 PM



iMessage





1:16

LTE



Jeff >

Status?

Thu, Jul 11, 2:57 PM

I made the call. All signed

Thu, Jul 18, 1:15 PM

Spinderella was removed

Let me know if you see it's  
anywhere else

Wed, Jul 24, 9:04 AM

Pls call when you can.

Live nation / rhydian is not  
advertising spinderella

what you are seeing is on  
a third party site that the  
buyer can not control

Wed, Jul 24, 1:40 PM



iMessage

